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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

DIRECTV, INC., a California corporation,  
  
 Plaintiff,  
  
 vs.  
  
 BRIAN PHILLIPS,  
  
 Defendant.

Case No. CV-04-3593 JL

Hon. Magistrate Judge James Larson

**REQUEST FOR VOLUNTARY DISMISSAL  
 OF DEFENDANT BRIAN PHILLIPS;  
~~[PROPOSED]~~ ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV") hereby respectfully requests that the Court enter an Order dismissing the above-captioned action without prejudice as to Defendant BRIAN PHILLIPS ("Defendant"). This request is made on the grounds that Defendant and DIRECTV have entered into an agreement settling this matter. Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action against Defendant, each party to bear its/his own attorneys' fees and costs incurred in this action to date.

Defendant answered the Complaint on or about December 23, 2004. DIRECTV, therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an order dismissing Defendant without prejudice.

1 Defendant PHILLIPS is the only active Defendant in this action. This entire  
2 action as to all remaining claims is therefore terminated in full.

3 DATED: June 13, 2005

Respectfully Submitted,

4 BUCHALTER, NEMER, FIELDS & YOUNGER  
5 A Professional Corporation

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7 By: /s/ Keli N. Osaki  
8 Keli N. Osaki  
9 Attorneys for Plaintiff DIRECTV, Inc.  
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**ORDER**

Having read the foregoing Request for Voluntary Dismissal of Defendant BRIAN PHILLIPS filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as follows:

1. This action is hereby dismissed without prejudice as against Defendant BRIAN PHILLIPS;
2. Each party shall bear its/his own attorney's fees and costs incurred in this action to date; and
3. As Defendant BRIAN PHILLIPS is the last remaining active Defendant in this action, this entire action as to all remaining claims is hereby terminated in full.

DATED: June 21, 2005

/s/ James Larson

Honorable Magistrate Judge James Larson  
United States District Court  
Northern District of California